

STEPHEN AGHJAYAN,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 95-105-A
ACTING PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 30, 1996

On April 25, 1996, the Board received a filing from appellant, concerning the Board's March 20, 1996, decision in this appeal. 29 IBIA 128. The filing states that appellant seeks to "appeal" the Board's decision but also states that he seeks relief from the Board. Accordingly, the Board construes appellant's filing as a petition for reconsideration under 43 CFR 4.315.

43 CFR 4.315(a) provides that a petition for reconsideration of a Board decision "must be filed with the Board within 30 days from the date of the decision." Appellant's petition is postmarked April 22, 1996, and is therefore untimely.

Even if the petition had not been untimely, it is unlikely that the Board would consider it, because appellant failed to certify that he served copies of his petition on the other parties. 1/

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellant's petition for reconsideration is denied.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge

1/ This lapse is puzzling because appellant is represented by the same attorney who represented him in the earlier proceedings, an attorney who should be well aware by now of the Board's service and certification requirements. These requirements are standard in judicial and administrative appeal procedures.